

McGINNIS WUTSCHER BEIRAMEE LLP

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Attorneys for Defendant
BBVA Compass Insurance Agency, Inc.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JACK D. HARRISON AND NAOMA)
HARRISON,)

Plaintiffs,)

v.)

BANKERS STANDARD)
INSURANCE COMPANY, ACE)
PROPERTY AND CASUALTY)
INSURANCE COMPANY,)
AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY AND)
BBVA COMPASS INSURANCE)
AGENCY, INC. AND DOES 1)
THROUGH 50)

Defendants.)

Case No.: 13 CV 1682 DMS JMA

**DEFENDANT BBVA COMPASS
INSURANCE AGENCY'S
MOTION TO JOIN BANKERS
STANDARD INSURANCE
COMPANY, INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO
AMEND AND FILE THE
SECOND AMENDED
COMPLAINT**

Hearing Date: May 9, 2014

Judge: Hon. Dana M. Sabraw

Time: 1:30 p.m.

Dept: 13A

Defendant BBVA Compass Insurance Agency, Inc. ("Compass"), by its
attorneys, hereby joins Bankers Standard Insurance Company's ("Bankers")
Opposition to Plaintiffs Jack D. Harrison and Naoma Harrison's ("Plaintiffs")

1 Motion for Leave to Amend and File the Second Amended Complaint. Compass
2 joins Bankers' opposition for the following reasons:

3 1. Plaintiffs' reason for requesting leave is to plead new facts they
4 purportedly discovered recently. However, Plaintiffs have not propounded any
5 discovery or taken any depositions. There are no "new facts" here.
6

7 2. Instead, a close examination of the second amended complaint
8 demonstrates that Plaintiffs' purported "new facts" are actually just additional
9 arguments and allegations. As such, this Court should deny Plaintiffs' request.
10

11 3. In addition, Plaintiffs' requested amendment is vague and ambiguous
12 as Plaintiffs fail to distinguish between Bankers and Compass. Given that both
13 entities have been sued, and under different theories of liability, Plaintiffs must
14 clarify which entity they are making allegations against. The proposed second
15 amended complaint does not do so, and therefore this Court should deny
16 Plaintiffs' request.
17

18 4. If this Court grants Plaintiffs' Motion, then Compass requests it be
19 allowed to file a motion to dismiss. Compass requests this because meritorious
20 grounds exist to dismiss several of Plaintiffs' "new" causes of action as a matter
21 of law.
22

23 Wherefore, Compass hereby joins Bankers' opposition and requests this
24 Court to deny Plaintiffs' Motion for Leave to Amend and File the Second
25
26
27
28

1 Amended Complaint and that the Court provides such further relief as it deems
2 just and appropriate.

3
4 **McGINNIS WUTSCHER BEIRAMEE LLP,**

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6 Dated: April 25, 2014

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13 *Agency, Inc.*

Certificate of Service

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing document and any related exhibits was served this **April 25, 2014**, by electronic mail on the following:

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